

## REMARKS

A Request for Continued Examination (RCE) and requisite fee have been submitted along with this Response. Since the Office Action was made final, the RCE was filed so that the Examiner would enter and consider the amendments and remarks of the present Response. Claims 74-99 are pending in this application and were rejected to by the Examiner. Claims 74 and 99 have been amended. New claims 100 and 101 have been added. Applicants respectfully request reconsideration and further examination in light of the following comments:

**A. Claims 74-99 were rejected under 35 U.S.C. § 103(a) as being obvious over Busch et al. in view of Schaefer et al.**

The Office Action states that it would have been obvious to one of ordinary skill in the art to combine the teachings of Busch et al. with Schaefer et al. to create the devices of claims 74-99. However, Busch teaches the use of a vessel *stent* having capacitive and inductive properties as opposed to a vessel *filter*. Applicants respectfully submit that a person of ordinary skill in the art of vessel filter design would not look to stent technology for a solution as the two areas are highly specialized and differ in application.

Even if the teaching of Busch and Schaefer were combined, the resulting combination would not produce the device described by claims 74 and 99. First, as stated in the attached affidavit of Dr. Andreas Melzer, the Busch stent uses an external or pre-manufactured capacitor as a separate component whose conductive leads are then attached between the first and second ends of the main meandering conductor of the stent. Claims 74 and 99, by contrast, require that a nonconductive dielectric (as opposed to a pre-formed capacitor) be attached directly to the first and second ends of the single conductor *to create* a capacitor. In other words, the capacitor of the present disclosure is formed only after the dielectric material is affixed to the first and second ends of the single conductor. To further clarify this distinction, claims 74 and 99 have been amended to require “wherein said first and second ends are the only conductive material adjacent to said nonconductive dielectric.”

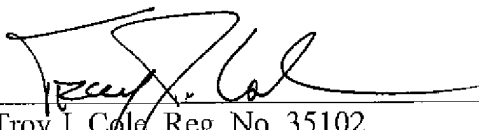
In addition, the mechanical supporting function of the Busch stent is enabled by bending a first portion of the main conductor into a tubular "scaffold" shape, with a second portion being a straight return run in order to bring the two ends of the conductor close to one another. As a result, the straight return portion of the conductor does not contribute to either the mechanical supporting function *or* the inductive property of the stent. Again for clarification, claims 74 and 99 have been amended to require "wherein a substantial portion of said conductor contributes to said inductance." Applicants respectively submit that claims 74 and 99 as amended are therefore in condition for allowance.

**B. New claims 100 and 101**

It is respectfully submitted that new claims 100 and 101 define over the prior art. Claims 100 and 101 specifically require "the entire length of said conductor bent into a shape that provides mechanical filtering and also creates an inductance." The vessel stent of Busch, as discussed herein above, uses only a portion of the conductor to perform the mechanical and inducing function of the device, with a large portion of the conductor reserved for use as a straight return line to complete the circuit.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and respectfully requests such action. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

By   
Troy J. Cole, Reg. No. 35102  
Woodard, Emhardt, Moriarty, McNett & Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456